

REPORT
OF
THE INTERIM HOUSE COMMITTEE
ON
MISSOURI STATE HIGH SCHOOL ACTIVITIES ASSOCIATION
REFORM



December 31, 2015

This committee was formed to ensure compliance with the recommendations offered by the Interim Committee on Missouri State High School Activities Association (MSHSAA) Reform of 2007 and to become acquainted with and offer recommendation pertaining to any current issues that should be addressed.

INTRODUCTION

The Committee recognizes MSHSAA's hard work and ability to facilitate and manage all extracurricular activities within the state. After reviewing the association's current handbook, evidence presented to the committee, correspondence from interested parties, and witness testimony, the committee would like to highlight several areas where MSHSAA is doing exceedingly well:

- 1) Dr. Kerwin Urhahn, Executive Director, and his colleagues, who testified at this committee's hearings on October 28 and 29, 2015, were knowledgeable in their presentations to the committee members and forthright with answers to any questions posed to them by the committee members.
- 2) MSHSAA has proactively addressed gender identity questions that may relate to participation in extracurricular activities separated by gender. Their attention to this matter is timely and the policy they have implemented is on track with this emerging issue in education.
- 3) The Association takes student safety seriously and has collaborated with Dr. Mark Halstead as the concussion program director for MSHSAA. Dr. Halstead is Director of the Sports Concussion Center at Washington University and a team doctor for the St. Louis Rams. It should be noted that the American Academy of Pediatrics has acknowledged the high risk for injury in youth football and recommended that tackling should be delayed until a later age and skilled athletic trainers would be available on the sidelinesⁱ
- 4) MSHSAA's use of an official form for reporting complaints is efficient.

FINDINGS

In evaluating compliance with the recommendations published by the 2007 Interim Committee on MSHSAA Reform, this Committee finds the following:

- 1) This committee finds, in support of testimony provided, that the MSHSAA is a quasi-governmental entity and subject to Sunshine Law.
- 2) The association has complied with Sunshine Law to the best of the Committee's knowledge.
- 3) MSHSAA has substantially complied with the recommendation that it create a step-by-step, clear cut violation reporting section for self-reporting, school-to-school, and individual complainants. However, it is highly suggested that only member schools be allowed to file complaints, as MSHSAA is defined by the Missouri Supreme Court as having no identity other than an association of member schools.
- 4) The association has been forthright and maintained an open line of communication with members of the legislature.
- 5) MSHSAA has published audits on its website and made them available for public review including State Auditor's Office reviews.
- 6) The committee does not feel as though the association gave a satisfactory response as to what entity it looks to for oversight.
- 7) Missouri State High School Activities Association has a policy in place to create programs for additional activities as they gain popularity in schools throughout the state.

RECOMMENDATIONS

As stated, MSHSAA has substantially complied with the recommendations of the 2007 Interim Committee on MSHSAA Reform. However, due to new issues brought forth during this Committee's investigation and hearing testimony, we offer the following additional recommendations:

- 1) To ensure continued compliance and open dialogue concerning these issues and any subsequent concerns that may occur, legislation will be filed requiring the Speaker of the Missouri House of Representatives to appoint an Interim Committee on MSHSAA Oversight each interim to meet at least one time to discuss the following recommendations and any other potential issues that come to our attention.
- 2) While MSHSAA has substantially complied with the reporting recommendations from 2007, there is still some concern about MSHSAA's role in determining whether an investigation shall take place once a complaint is reported. It is our recommendation that ALL official complaints submitted on an official complaint form be investigated.
- 3) It is also this Committee's recommendation that complaints reported by individuals no longer be accepted. Complaints originating from school-to-school or self-reporting

should be the only reports acknowledged in order to begin an investigation. Individual reports should be forwarded to the member school for their self-investigation. We believe this will alleviate instances of false reporting resulting from personal vendettas and align the process with the holding in *Blaze v. Richardson* Appellate Court Case, which found that only member schools and the Board of Directors have standing.

- 4) Given testimony pertaining to transfer students, we recommend MSHAA change its current policy so that in the waiver and hardship exceptions, the current 365 day sub-varsity delay would be changed to one semester or 180 days, whichever is shorter.
- 5) A topic that was heavily discussed during the committee hearings is whether home-schooled students should be allowed to participate in MSHSAA activities. With the statement by Dr. Urhahn, that MSHSAA has no mechanism to validate any information from private schools, it is our recommendation that MSHSAA's membership resolve this issue so that a homeschooled student is viewed as eligible to participate in MSHSAA sponsored extracurricular activities provided each home schooled student qualifies under criteria set out in a policy established by the Association. This policy should include but not be limited to minimum required instructional time, which includes a log of instructional time kept by the home-school parent(s) and submitted to the superintendent of the local school district, citizenship and ethical requirements, and grade requirements given by the home-school that meets public school criteria as addressed by a nationally norm-referenced standardized test of the parent's choosing and results submitted to the local district superintendent. A home-schooled student shall be responsible for any extraordinary fees associated with participating in a MSHSAA sponsored extracurricular activity, in addition to any locally assessed participation fees.
- 6) Student safety is a major concern, especially traumatic head injuries associated with full contact sports, particularly football. As stated, MSHSAA takes this concern very seriously, but we would recommend that the Association require medical personnel, such as an EMT, first-responder, or an ambulance to be present at all football playoff games. It should be noted, but is not our recommendation at this time, that shortly after the hearings concluded, the American Academy of Pediatrics recommends that interscholastic football participation be eliminated. The Committee understands that there are risks associated with any extracurricular activity.
- 7) Another topic of discussion involved referees and what issues arise from a lack of experience when officiating high-pressure varsity games. It is our recommendation that MSHSAA develop a process for game officials whereby they serve as a junior high official for two years and subsequently serve as junior varsity official for one year before refereeing any varsity matches or games.
- 8) The Committee also recommends that any MSHSAA hearing be open to any person who wishes to attend as long as the student and parents involved agree to waive his or her FERPA rights on an official waiver document.

- 9) We recommend that the Association implement a maximum allowable time for complaints to be filed, after the event motivating the complaint occurs, with a resolution to occur within one (1) year of the violation.
- 10) The Committee urges MSHSAA to increase its range of fines up to \$1,000.00.
- 11) It is our recommendation that any punishments executed by the Association are to be directed at member schools, individual adults, or students who knowingly and consistently violate MSHSAA rules.

It is the hope of this Committee that all of the above recommendations are taken seriously by the Missouri State High School Activities Association.

Again, we thank Dr. Urhahn and his staff for their hard work and dedication to the students of this state. However, there is still concern that MSHSAA is the only organization Missouri schools may join in order to participate in activities and competitions with other schools. It may be voluntary, but it is difficult for a school to not be a member in the current system. We also appreciate his candor and willingness to work together to ensure any concerns that may arise are handled swiftly and efficiently. We look forward to a future of open and honest communication between MSHSAA and the members of the General Assembly. It is not the General Assembly's desire to take over MSHSAA or administer secondary extracurricular high school activities, but do desire accountability for all quasi-governmental agencies. Once again, the Committee recognizes MSHSAA's hard work and ability to facilitate and manage all extracurricular activities within the state.

¹ American Academy of Pediatrics. "The American Academy of Pediatrics Tackles Youth Football Injuries." October 25, 2015. www.aap.org

The Interim Committee on MSHSAA Reform appointed by the Speaker of the House of Representatives for the above mentioned purposes hereby submits this report and its recommendations.


Representative Steve Cookson, Chair


Representative Elijah Haahr, Vice Chair